

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

FILBERTO GONZALEZ-MALDONADO,

No. C-05-2148 MMC

Petitioner,

v.

**ORDER DIRECTING PETITIONER TO
SHOW CAUSE WHY PETITION SHOULD
NOT BE DISMISSED OR
TRANSFERRED FOR LACK OF
SUBJECT MATTER JURISDICTION**

ALBERTO R. GONZALES,

Respondent

By order filed May 18, 2005, the Ninth Circuit transferred to the district court petitioner's petition for review of the Board of Immigration's order of removal, with instructions for the district court to treat the petition as a petition for a writ of habeas corpus under 28 U.S.C. § 2241.

Pursuant to § 106(a) of the newly-enacted Real ID Act of 2005, Pub. L. No. 109-13, 119 Stat. 231 ("Real ID Act"), however, federal district courts no longer have jurisdiction to review removal orders through a § 2241 habeas petition or otherwise. Section 106(a) of the Real ID Act expressly amends 8 U.S.C. § 1252(a) to provide that United States Courts of Appeals shall be the sole and exclusive means for judicial review of orders of removal. Consequently, it appears that the Court lacks jurisdiction over the petition.

Accordingly, petitioner is hereby ORDERED TO SHOW CAUSE, in writing and no later than June 24, 2005, why the instant petition should not be either dismissed or

1 transferred back to the Ninth Circuit Court of Appeals for lack of subject matter jurisdiction.
2 See Real ID Act § 106(a)(1)(B) (providing for dismissal of petition filed in district court after
3 enactment); § 106(c) (providing for transfer of petition pending in district court prior to
4 enactment).¹ Respondent may file, no later than July 8, 2005, a response to petitioner's
5 showing. As of July 8, 2005, the Court will take the matter under submission.

6 **IT IS SO ORDERED.**

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8 Dated: June 2, 2005

/s/ Maxine M. Chesney
MAXINE M. CHESNEY
United States District Judge

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¹The instant petition was filed in district court on May 25, 2005, but was filed in the Ninth Circuit in 2002.